

1 William Litvak (SBN 90533)
2 Eric P. Markus (SBN 281971)
3 James M. Cunningham (SBN 322508)
4 DAPEER, ROSENBLIT & LITVAK, LLP
5 11500 W. Olympic Blvd., Suite 550
6 Los Angeles, CA 90064
7 Telephone: (310) 477-5575
8 Facsimile: (310) 477-7090

9 Attorneys for Plaintiff
10 CITY OF AGOURA HILLS

EXEMPT FROM FILING FEE – GOV. CODE § 6103

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

13 CITY OF AGOURA HILLS, a municipal
14 corporation,

15 Plaintiff,

16 vs.

17 JAMES MAYFIELD, an individual; SHEILA
18 ZAMEL, an individual; WHISPERING
19 OAKS CHURCH, INC., a California
20 Corporation; and DOES 1-50, inclusive,

21 Defendants.

) CASE NO. 20VECV01312

) [Assigned for all purposes to Hon. Virginia
) Keeny in Dept. W]

22 **[PROPOSED] ORDER FOR**
23 **PRELIMINARY INJUNCTION**

24 [Filed concurrently with Notice of Motion
) and Motion for Issuance of a Preliminary
) Injunction; Memorandum of Pints and
) Authorities in Support Thereof;
) Declarations of Ramiro Adeva, Allen
) Tripolskiy and Amir Hamidzadeh and
) Exhibits Thereto; and Request for Judicial
) Notice]

25 Hearing:

26 Date: April 29, 2021

27 Time 8:30 a.m.

28 Dept: W

RES ID: 149119750020

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Plaintiff CITY OF AGOURA HILLS ("Plaintiff" or "City") Motion for Preliminary
3 Injunction by against Defendants JAMES MAYFIELD, SHEILA ZAMEL, WHISPERING
4 OAKS CHURCH, INC., and DOES 1 -50 (collectively "Defendants"), came on for hearing before
5 the above-entitled court on April 15, 2021, in Department "W", located at Van Nuys Courthouse
6 East, 6230 Sylmar Avenue, Van Nuys, CA 91401.

7 Upon reviewing the City's Application, the Memorandum of Points and Authorities, the
8 Declarations and Exhibits submitted by the City in support of the Motion and the Request for
9 Judicial Notice, and Opposition paperwork and declarations and exhibits submitted by Defendants
10 in support thereof, the Reply brief of the City and having considered the arguments of counsel for
11 the Parties, and it appearing therefrom to the satisfaction of this Court that this is a proper matter
12 for the issuance of a Preliminary Injunction, and that unless the Preliminary Injunction prayed for
13 be granted, a public nuisance will continue to exist at the property located at 28347 Balkins Drive,
14 City of Agoura Hills, County of Los Angeles, California (hereinafter "Subject Property").

15 AND IT FURTHER APPEARING THAT the City is likely to succeed on the merits of
16 this action, and that a Preliminary Injunction is necessary to abate and prevent the continuance or
17 recurrence of the nuisance,

18 **1.0 THE COURT HEREBY FINDS AS FOLLOWS:**

19 1.1 The City has shown a reasonable probability that Defendants have caused,
20 maintained, permitted and/or allowed public nuisance conditions to exist at the Subject Property,
21 including but not limited to the following:

22 1.1.1 Using the Subject Property without first obtaining all requisite permits
23 and/or approvals, including but not limited to a site plan review, a
24 conditional use permit, and/or an architectural review (in violation Agoura
25 Hills Municipal Code ("AHMC") §§ 9223.8, 9652.5, 9652.10, 9673, et seq.,
26 and 9677, et seq.);

27 1.1.2 Operating a commercial wedding venue on the Subject Property (in
28

violation of AHMC §§ 9222.1 et seq.);

1.1.3 Operating a church, temple and/or other place used exclusively for religious worship, including related incidental educational and social activities without a duly issued conditional use permit (in violation of AHMC §§ 9222.4 and 9673, et seq.);

1.1.4 Encroaching into the protected zones of oak trees without a duly issued oak tree permit (in violation of AHMC § 9657.5);

1.1.5 Using and/or occupying an accessory dwelling unit without a duly issued ministerial permit for an Accessory Dwelling Unit (in violation of AHMC § 9283.1);

1.1.6 Maintaining unpermitted and/or substandard buildings and/or structures on the Subject Property (in violation of California Building Code ("CBC") §§ 105.1, 114.1, 116.1, and 111.1.1, as amended, California Mechanical Code ("CMC") § 104.1, California Plumbing Code ("CPC") § 104.1, California Electric Code ("CEC") § 110.2 as amended, and AHMC §§ 5604(7), 5604(9), 5604(11), and 5619(a);

1.1.7 Maintaining unsafe or dangerous buildings and/or structures on the Subject Property (in violation of CBC §§ 116.1, 116.1(d), and 116.1(h) (as amended by AHMC § 8103(cc));

1.1.8 Maintaining a substandard property (in violation of AHMC §§ 5605(1), 5605(13) and 5605(16));

1.1.9 Maintaining an unpaved driveway at the Subject Property (in violation of AHMC § 9654.3.E);

1.1.10 Housing animals and/or fowl in a building or structure within thirty-five (35) feet of any street or structure designed for human (in violation of AHMC § 9224.1(E)); and,

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1 1.1.11 Otherwise maintaining or permitting conditions at the Subject Property
2 which constitute a public nuisance (in violation of California Civil Code §§
3 3479 and 3480, CBC §116.6 (as adopted under AHMC §8103(ee)), and
4 AHMC §§1200(c), 5604, 5605 and 9842).

5 ACCORDINGLY, GOOD CAUSE HAVING BEEN SHOWN, THE COURT HEREBY
6 ORDERS AS FOLLOWS:

7 **2.0 PRELIMINARY INJUNCTION**

8 2.1 IT IS ORDERED that during the pendency of this action, Defendants, and each of
9 them, and each of their agents, employees, servants, aiders, abettors, operators, lessees, lessors,
10 sublessees, sublessors, successors or assigns, or anyone acting on their behalf or in concert with
11 them, whether directly or indirectly, and/or any other person(s) using, occupying, and/or present
12 at the Subject Property are enjoined and prohibited from using, permitting the use of, maintaining
13 or permitting the maintenance of the following at the Subject Property:

14 2.1.1 Using the Subject Property without first obtaining all requisite permits
15 and/or approvals, including but not limited to a site plan review, a
16 conditional use permit, and/or an architectural review;

17 2.1.2 Operating a commercial wedding venue on the Subject Property;

18 2.1.3 Operating a church, temple and/or other place used exclusively for
19 religious worship, including related incidental educational and social
20 activities without a duly issued conditional use permit;

21 2.1.4 Encroaching on the protected zones of an oak tree without a valid permit;

22 2.1.5 Using and/or occupying an accessory dwelling unit without a duly issued
23 ministerial permit for an Accessory Dwelling Unit;

24 2.1.6 Maintaining non-permitted buildings and/or structures and uses on the
25 Subject Property;

26 2.1.7 Maintaining substandard buildings and/or structures on the Subject
27 Property;

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- 1 2.1.8 Maintaining unsafe or dangerous buildings and/or structures on the Subject
2 Property;
- 3 2.1.9 Maintaining a substandard property;
- 4 2.1.10 Maintaining an unpaved driveway at the Subject Property;
- 5 2.1.11 Housing animals and/or fowl in a building or structure within thirty-five
6 (35) feet of any street;
- 7 2.1.12 Maintaining a public nuisance at the Subject Property in violation of City
8 and state law; and
- 9 2.1.13 Otherwise maintaining conditions at the Subject Property that constitute a
10 public nuisance.

11 **3. FURTHER ORDERS**

12 3.1 IT IS ORDERED that following the issuance of this Order, Defendants, and each
13 of them, and their agents, employees, servants, successors, or assigns, or anyone acting on their
14 behalf or in concert with them, whether directly or indirectly, shall perform the following actions:

- 15 3.1.1 Within thirty (30) calendar days of the date of the Order, submit a complete
16 application (hereinafter, "Application") to the appropriate City department(s) to
17 legalize (if possible) all unpermitted, uninspected, unapproved and/or otherwise
18 unlawful uses, construction, improvements, alterations, repairs, and/or public
19 nuisance conditions on or at the Subject Property (hereinafter collectively, the
20 "Unpermitted Conditions") in accordance with the Agoura Hills Municipal Code
21 and other applicable laws; the Application shall include all requisite applications,
22 forms, reports, plans, and supporting materials (including, but not limited to, all
23 items described in the "Plan Submittal Requirements") along with all
24 nonrefundable fees and any deposits required, in order to properly consider the
25 Application and make the required determinations;
- 26 3.1.2 Within fifteen (15) calendar days of any request by the City for any supplemental,
27 modified, and/or amended documentation and/or information, submit such
28 documentation or information to the appropriate City department;

- 1 3.1.3 Within fifteen (15) calendar days of City approval of the Application, if such
2 approval is given, obtain all requisite permits either to legalize (if approved) the
3 Unpermitted Conditions, or in the alternative, to remove the Unpermitted
4 Conditions and restore the Subject Property to its previously approved condition
5 and status;
- 6 3.1.4 Within ten (10) calendar days of the issuance of any and all applicable City
7 permits, commence any and all corrective actions at the Subject Property in
8 accordance with applicable plans approved by the City, permits issued by the City,
9 the Agoura Hills Municipal Code, and all relevant regulations, which shall
10 continue on a daily basis, except weekends and holidays, until all work is
11 complete;
- 12 3.1.5 Within ninety (90) calendar days of permit issuance, complete all requisite
13 corrective actions to legalize (if approved) the Unpermitted Conditions or, in the
14 alternative, to remove the Unpermitted Conditions and restore the Subject Property
15 to its previously approved condition, in accordance with City-approved plans and
16 City-issued permits, and schedule, undergo, and pass a final City inspection;
- 17 3.1.6 Undertake any and all other actions to complete the work, in accordance with the
18 City-approved plans and authorized by the City-issued permits, as required by the
19 terms of the Order, legally, through licensed and bonded contractors and engineers,
20 and in a manner that fully complies with the laws of the City of Agoura Hills and
21 all applicable State laws;
- 22 3.1.7 Consent to, and provide access for officials of, or on behalf of, the City of Agoura
23 Hills (including but not limited to Building Inspectors, Engineers, and Code
24 Enforcement Officers) to enter onto the Property at any time between the hours of
25 8:00 a.m. and 6:00 p.m., without further notice, order, or warrant, for the purpose
26 of conducting inspections of all exterior and interior areas of the Subject Property
27 in order to ensure compliance with the terms of any City approval or permit and
28 the Order;

- 1 3.1.8 Should the City reject Defendants' Application on three (3) or more occasions,
2 Defendants shall be deemed to have breached the Court's Order;
- 3 3.1.9 Provide a minimum of thirty (30) days' notice to the City, through its counsel of
4 record and to this Court, of any transfer, conveyance, encumbrance, change in title,
5 and/or sale of the Subject Property;
- 6 3.1.10 Notify, in writing, any prospective purchaser, lessee, agent, or other successor in
7 interest of the existence of this Preliminary Injunction and of its application to
8 successors in interest, prior to entering into any agreement to sell or lease the
9 Subject Property;
- 10 3.1.11 Obtain a conditional use permit prior to operation of a church, temple or other
11 place used exclusively for religious worship, including related incidental
12 educational and social activities on the Subject Property;
- 13 3.1.12 Abate any and all other unlawful conditions at the Subject Property; and
- 14 3.1.13 Use or permit the use of the Subject Property only for a purpose in compliance
15 with the Agoura Hills Municipal Code or as otherwise permitted or approved by
16 the City

17
18 **IT IS SO ORDERED.**

19
20 Issued at Van Nuys, California on the _____ day of April 2021.

21
22
23 _____
24 Judge of the Superior Court
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. At the time of service, I was over 18 years of age and not a party to this action. My business address is 11500 West Olympic Boulevard, Suite 550, Los Angeles, CA 90064.

On April 1, 2021 I served true copies of the following, described as, **[PROPOSED]** **ORDER FOR PRELIMINARY INJUNCTION** on the interested parties in this action, as follows:

Counsel for Defendants

Robert L. Scott
Scott & Associates
300 East Esplanade Dr., 9th FL
Oxnard, CA 93036
E: scott@civiccenter.com

BY ELECTRONIC TRANSMISSION – ONE LEGAL. I caused an electronic version of the documents to be submitted to the Superior Court of California and thereafter caused an electronic version to be served to the persons in the above service list via the litigation support service One Legal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 1st day of April, 2021 at Los Angeles, California.


Miriam Gonzalez, Declarant